

Translation

PATENT COOPERATION TREATY

PCT/EP2003/011016



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 0000053976	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/011016	International filing date (<i>day/month/year</i>) 06 October 2003 (06.10.2003)	Priority date (<i>day/month/year</i>) 10 October 2002 (10.10.2002)
International Patent Classification (IPC) or national classification and IPC B27K 5/02		
Applicant BASF AKTIENGESELLSCHAFT		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of _____ sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input checked="" type="checkbox"/> Certain observations on the international application

Date of submission of the demand 13 April 2004 (13.04.2004)	Date of completion of this report 24 June 2004 (24.06.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/011016

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 1-23 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____ 1-10 _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the drawings:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 03/11016

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-10	YES
	Claims		NO
Inventive step (IS)	Claims	1-10	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations

The following documents (D) are relevant to the present application; the same numbering will be used throughout the procedure:

D1: DATABASE WPI Section Ch, Week 199023 Derwent Publications Ltd., London, GB; Class A82, AN 1990-175750 XP002276441 & JP-A-02 116512 (MATSUSHITA ELECTRIC WORKS LTD), 1 May 1990 (1990-05-01)

D2: PATENT ABSTRACTS OF JAPAN vol. 013, no. 462 (M-881), 19 October 1989 (1989-10-19) & JP-A-01 180304 (DANTANI PLYWOOD CO LTD), 18 July 1989 (1989-07-18)

D3: DE-A-197 51 448 (BAYER AG) 27 May 1999 (1999-05-07)

(Not necessarily all these documents are cited in this report).

1. Subject matter of the application

Independent **claim 1** concerns the use of liquid colouring agent preparations containing at least one pigment and, relative to the pigment, 0.5 to 10 wt % of at least one dye, for dyeing derived timber

products.

Independent **claim 10** describes derived timber products which are dyed using the preparations according to claim 1.

2. Summary of the prior art and novelty

D1 discloses the dyeing of timber materials, using a liquid composition containing a water-soluble dye and pigments.

The subject matter of claims 1 and 10 differ from **D1**
at least in that the ratio of pigment to dye is not disclosed in **D1**.

Therefore the subject matter of claims 1 and 10 is novel with respect to **D1**.

D2 describes the dyeing of felled tree trunks using a composition that consists of an acid dye and a pigment.

The subject matter of claims 1 and 10 differs from **D2**
at least in that the ratio of pigment to dye is not disclosed in **D2**.

Therefore the subject matter of claims 1 and 10 is novel with respect to **D2**.

D3 describes coloured pigment preparations which, in particular in ink-jet printing, have improved light-fastness whilst having a high level of optical density and brilliance and which consist of pigments and colouring agents, the latter containing both water-soluble and water-insoluble dyes.

The subject matter of claims 1 and 10 differs from D3 at least in that the ratio of pigment to dye is not disclosed in D3 and in that, in D3, the pigment preparations are not used to dye derived timber products.

Therefore the subject matter of claims 1 and 10 is novel with respect to D3.

Consequently claims 1 to 10 are novel and meet the requirements of PCT Article 33(2).

3. Inventive step

D1 has to be considered to represent the closest prior art since it discloses the dyeing of timber materials, a liquid composition containing a water-soluble dye and pigments being used.

The problem addressed by the present invention can thus be considered that of developing colouring agent preparations for dyeing derived timber products, which preparations enable the products to be dyed with a high level of brilliance, light fastness and temperature fastness.

According to D1 it is neither evident nor obvious that even small amounts of dye (relative to the pigment) can suffice to solve the problem of interest and thus attain the advantages set out on pages 18 to 23 of the application.

Furthermore, there is nothing to prompt a person skilled in the art to combine the teaching of D1 with that of D2 or D3. Even considering D1 in

conjunction with D2 or D3, he would not arrive at the dye:pigment ratio according to claim 1.

Therefore claims 1 to 10 meet the requirements of PCT Article 33(3).

4. Industrial applicability

Claims 1 to 10 meet the requirements of PCT Article 33(4) as concerns the industrial applicability of the invention.

5. Further observations

Only the colouring agent preparations according to examples 1.4 and 1.5 have the claimed ratio of 0.5 to 10 wt % dye relative to pigment, namely 2.7 (example 1.4) and 1.02 (example 1.5).